

SECOND REGULAR SESSION

SENATE BILL NO. 995

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Read 1st time February 23, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4928S.01I

AN ACT

To amend chapter 559, RSMo, by adding thereto one new section relating to mental health assessments by the department of corrections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 559, RSMo, is amended by adding thereto one new
2 section, to be known as section 559.117, to read as follows:

**559.117. 1. The director of the department of corrections is
2 authorized to establish, as a three-year pilot program, a mental health
3 assessment process.**

**4 2. In a judicial circuit participating in the pilot program and
5 only upon a motion filed by the prosecutor, the sentencing judge may
6 request that an offender eligible for probation be placed in the
7 department of corrections for one hundred twenty days for a mental
8 health assessment and treatment if it appears that the offender has a
9 mental disorder or mental illness. To be eligible for such placement,
10 the offender must qualify for probation, including community
11 psychiatric rehabilitation programs, and such probation must be
12 appropriate and not inconsistent with public safety. Before the judge
13 rules upon the motion, the victim shall be given notice of such motion
14 and the opportunity to be heard by the court. Upon recommendation
15 of the court, the department shall determine the offender's eligibility
16 for the mental health assessment process.**

**17 3. Following this assessment and treatment period, an
18 assessment report shall be sent to the sentencing court and the
19 sentencing court may, if appropriate, release the offender on
20 probation. The offender shall be supervised on probation by a state
21 probation and parole officer, who shall work cooperatively with the**

22 department of mental health to enroll eligible offenders in community
23 psychiatric rehabilitation programs.

24 4. Notwithstanding any other provision of law to the contrary,
25 probation shall not be granted under this section to offenders who have
26 been:

27 (1) Found guilty of or pleaded guilty to murder in the second
28 degree under section 565.020; forcible rape under section 566.030;
29 statutory rape in the first degree under section 566.032; statutory
30 sodomy in the first degree under section 566.062; child molestation in
31 the first degree under section 566.067, when classified as a class A
32 felony; or any offense for which there is a statutory prohibition against
33 either probation or parole; or

34 (2) Found to be a predatory sexual offender under section
35 558.018.

36 5. At the end of the three-year pilot program, the director of the
37 department of corrections and the director of the department of mental
38 health shall jointly submit recommendations to the governor and to the
39 general assembly by December 31, 2013, on whether to expand the
40 process statewide.

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